

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ITHACA VENTURES k.s. and ITHACA
DEVELOPMENT, LLC,

Plaintiffs,

v.

NINTENDO OF AMERICA INC. and
NINTENDO CO., LTD.,

Defendants.

C.A. No. 13-824-GMS

JURY TRIAL DEMANDED

**ITHACA VENTURES k.s. AND ITHACA DEVELOPMENT, LLC'S
RESPONSE TO COUNTERCLAIMS OF DEFENDANTS
NINTENDO OF AMERICA INC. AND NINTENDO CO., LTD**

Plaintiffs and Counterclaim-Defendants Ithaca Ventures k.s. and Ithaca Development, LLC (Collectively "Ithaca" or "Plaintiffs") submit this Response to the Counterclaims of Defendants and Counterclaim-Plaintiffs Nintendo of America Inc. and Nintendo Co., Ltd (Collectively "Nintendo" or "Defendants") dated August 29, 2013.

RESPONSE: COUNTERCLAIMS

1. Responding to the unnumbered paragraph preceding paragraph 35 of the Counterclaims, Plaintiffs admit Defendants filed a motion to transfer venue. The remaining statements in that paragraph plead legal conclusions to which no response is required.

2. Responding to paragraph 35 of the Counterclaims, Plaintiffs admit that Nintendo of America Inc. is a Washington corporation with its principal place of business in Redmond, Washington and that it is a wholly owned subsidiary of Nintendo Co., Ltd.

3. Responding to paragraph 36 of the Counterclaims, Plaintiffs admit that Nintendo Co., Ltd. is a Japanese corporation with its principal place of business in Kyoto, Japan.

4. Responding to paragraph 37 of the Counterclaims, Plaintiffs admit that Ithaca Ventures k.s. is a limited partnership under the laws of the Slavik Republic and that it is a plaintiff in this case.

5. Responding to paragraph 38 of the Counterclaims, Plaintiffs admit that Ithaca Development, LLC is a limited liability company incorporated under the laws of the state of Delaware with its principal place of business in Dallas, Texas and that it is a plaintiff in this case.

6. Responding to paragraph 39 of the Counterclaims, Plaintiffs admit that Ithaca Ventures k.s. is the owner of United States Patent No. 6,624,802 (“the ‘802 Patent”).

7. Responding to paragraph 40 of the Counterclaims, Plaintiffs admit that Ithaca Development, LLC is an exclusive licensee in the United States of the ‘802 Patent.

8. Responding to paragraph 41 of the Counterclaims, Plaintiffs admit that this Court has subject matter jurisdiction, under 28 U.S.C. § 1338(a), over all claims and counterclaims, and that venue is proper in this judicial district under 28 U.S.C. 1391(b) and (c) and 1400(b). The remaining statements in that paragraph plead legal conclusions to which no response is required.

9. Responding to paragraph 42 of the Counterclaims, the statements in that paragraph plead legal conclusions to which no response is required.

FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '802 Patent)

10. Responding to paragraph 43 of the Counterclaims, Plaintiffs deny the allegations contained therein.

11. Responding to paragraph 44 of the Counterclaims, to the extent any of the statements in that paragraph do not plead a legal conclusion to which no response is required, Plaintiffs deny the allegations contained therein.

SECOND COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '802 Patent)

12. Responding to paragraph 45 of the Counterclaims, Plaintiffs deny the allegations contained therein.

13. Responding to paragraph 46 of the Counterclaims, to the extent any of the statements in that paragraph do not plead a legal conclusion to which no response is required, Plaintiffs deny the allegations contained therein.

14. Plaintiffs admit that Defendants demand a trial by jury.

15. Plaintiffs deny that Defendants are entitled to any relief, either as prayed for in their Counterclaims or otherwise.

16. To the extent any allegation by Defendants in their Counterclaims is not addressed above, Plaintiffs deny the allegation.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by of any and all issues properly triable by a jury.

Dated: September 23, 2013

By: /s/ Kenneth L. Dorsney

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